

**REMARKS**

Claims 1-7 and 11-23 are pending. Claims 1, 11, 13, 14, 18, 20, 21 and 23 have been amended for editorial purposes, as discussed below. No new matter has been added by way of this Amendment.

Applicant thanks Examiner Vanel Frenel and Primary Examiner Andrew Rudy for the courtesies extended to Applicant's representative, Dinh Nguyen, regarding the personal interview on May 1, 2007.

During the interview, Applicant's representative explained Applicant's invention, and the deficiencies of the prior art with respect to the claimed limitations. Thus, Applicant's representative argued against the rejections made in the Office Action dated December 29, 2006 by discussing all of the prior art of record with respect to all of the pending claims. Other issues were discussed which are all reiterated herein.

Applicant has amended the claims by incorporating all of the changes suggested by the Examiner during the interview. As noted in the Interview Summary, PTOL-413 form, the Examiner agreed to withdraw the rejections and will consider allowing the claims subject to an updated search of the prior art.

During the Interview, Applicant's representative requested a copy of the "Dan

Dietz” article, which was previously requested in Applicant’s communication titled “Response to Restriction Requirement.” This article was cited in paper no. 18, but a copy was not attached to that paper. As noted in the Interview Summary, PTOL-413 form, the Examiner did not apply this reference and Applicant is requesting a copy only for Applicant’s file. The Examiner was not able to find a copy of this article in the Examiner’s file during the interview, and stated that he will therefore order a copy for Applicant’s file.

Also during the interview, Applicant’s representative noted the following: (1) the listing of the pending claims in the Office Action was incorrect, and (2) the restriction requirement previously imposed by the Examiner should be withdrawn since all of the claims were examined in the Office Action. The Examiner agreed that the listing of the pending claims in the Office Action was incorrect and stated that the restriction requirement is withdrawn.

The arguments against the rejections during the interview are reiterated below.

The Office Action rejects claims 1, 3, 5, 7, 11, and 13-23 under 35 U.S.C. §103(a) as being obvious over Dworkin (U.S. Patent No. 4,992,940) in view of the article entitled “Sales – force automation of age” (which the Examiner refers to as “SFA” and states that it includes related articles on how Hewlett-Packard Co.

Computer Systems Group implemented technology-enabled selling applications), Joseph (U.S. Patent No. 5,878,401) and Bennett et al. (U.S. Patent No. 4,591,983).

Applicant respectfully traverses this rejection. Applicant submits that the Examiner improperly combined four references, with each reference having very different objectives and disclosures, and that to combine the disclosures as suggested by the Examiner would not be possible since each reference is specific to the sale environment it is concerned with that is completely different from that of each other and that of the claimed invention. Moreover, even if it was possible to combine the alleged teachings of the four references, the combination would still not disclose or even mention certain claimed limitations as discussed below.

Regarding independent claim 1, the Office Action asserts that the limitation “receiving information into the computer system regarding the customer’s needs and desired option selection related to one or more products of the selling entity” is met at column 4, lines 35-44 and column 6, lines 44-64 of Dworkin. Applicant submits that Dworkin’s method is very different from the claimed method and that Dworkin does not even mention anything remotely similar to this claimed limitation. Dworkin’s method relates to searching for products that have all of the desired specifications of a user, and looks for the lowest price from a plurality of vendors (see abstract, column 2, lines 29-31 and 49-56, column 3, lines 1-5 and 51-54, and column 4, lines 25-31, for example), whereas the claimed method is directed to examining the

inventory of a selling entity and this claimed limitation requires receiving information regarding a customer's needs and desired option selection that is not even relevant to Dworkin's system. Dworkin's system only allows a user to see detailed specifications of products that are provided by a vendor and then the user can simply make a selection by examining the specifications of those products (see column 6, lines 44-47). There is no receiving of information into a computer system regarding the customer's needs and desired option selections.

Also regarding independent claim 1, the Office Action asserts that the limitation "receiving a value input associated with each desired option selection into the computer system to rank the importance the desired option selection" is met at page 3, paragraphs 7-29 (the Examiner probably meant lines 7-29 since there are no paragraphs 7-29) of SFA. Applicant submits that this limitation is neither mentioned by SFA, nor is it relevant to SFA. The Office Action does not provide any explanation of how or why it would have been obvious to combine this limitation with the method taught by Dworkin. SFA is merely an article describing in the abstract how sales-force automation might improve the sales process in the automotive industry. There is no mention of any specifics of the automation process or parts of a computer system configured for this process. Therefore, this article is non-enabling for a specified method of facilitating a sales of a product with a computer system as alleged by the Examiner. The specific passage cited by the Examiner, as

well as any portion of the SFA article, fails to disclose “receiving a value input associated with each desired option selection into the computer system to rank the importance the desired option selection.”

Also regarding independent claim 1, the Office Action asserts that the limitation “identifying from the inventory of the selling entity one or more available products that most closely matches the configured product having the desired option selections of the customers based on the value input associated with the desired option selections when an identified available product that exactly corresponds to the configured product is not found in the inventory of the selling entity” is met at column 4, lines 30-67 and column 5, lines 50-67 of Joseph. Applicant submits that neither these specific passages, nor anywhere else, does Joseph even mention a value input from a customer, and therefore, a value input that is associated with desired option selection from a customer. At column 4, lines 30-44, Joseph states “...once a customer has selected a sneaker style from the sneaker displays on the sales floor, the customer will show this style to the sales person, who will then determine the size of the customer’s foot... Sales computer 2 accesses the PRODUCT database to determine the SIZE RANGE used for that SKU.” Joseph is only concerned with finding alternatives, such as other available sneakers for a customer. It is clear that this information is not based on the selection of the customer’s value input, but is based on examining the SKU by the computer which was entered by a sales person.

Thus, there is no value that a customer has inputted into a system that is associated with the desired option selection from a customer. The individual SIZE of sneakers from 00 to 14 as discussed at column 3, line 65 to column 4, line 9 of Joseph cannot be confused with the value input (as further limited to 0 to 10 in claim 4 and discussed further below, and when the claims are read in light of the specification).

Further regarding independent claim 1, the Office Action asserts that the limitation “defining a configured product which satisfies the customer’s needs and the desired option selections using one or more solvers containing logic rules to constrain selection of available product options” is met at column 10, line 65 to column 11, line 61 and column 16, lines 22-68 of Bennett. Applicant respectfully submits that the Examiner is in error regarding his application of the Bennett reference here. First, it appears that Bennett relates only to products to be manufactured or assembled, not to configured products or products that are already made and ready for sale. See column 1, lines 5-10 for example. The claimed invention can accommodate both configured and non-configured products, as configured products from an inventory are identified. However, Bennett is much more limiting and can accommodate only a specified product. Thus, there is no mention of interaction between two entities that requires examining of inventory of at least some already-made products. Therefore, Bennett’s objectives and disclosure are very different from those of Dworkin, which relates to already-made products that

have the customer's exact requirements but is best in price, and those of Joseph, which relates to finding alternative products that still have certain missing customer requirements. Although the claimed invention can facilitate a sale of a product by identifying exact already made-products, alternatives, and/or customized products, each of the references cited by the Examiner is concerned with one and only one of these identifications, assuming *arguendo* that each reference discloses what the Examiner alleged. Moreover, even if one were able to extract the specific disclosure as alleged in the Office Action, the combination would not and could not result as a whole, in the claimed invention.

Regarding dependent claims 2 and 4, Applicant submits that neither the specific passage cited by the Examiner, nor anywhere else in the reference, does Joseph even mention a numeric value indicating the importance of the associated desired option selection. As discussed above, Joseph discloses, at best, identifying sneaker sizes 00 to 14 that a customer absolutely needs, which cannot be confused with a numeric value indicating importance associated with the desired option selection (0 to 10 as a limitation in claim 4).

Regarding dependent claim 3, Applicant submits that Dworkin does not even mention, especially in the specific passage cited by the Examiner, inputting a value indicating importance of the associated desired option or identifying products based on relative values.

Regarding dependent claims 5-7, Applicant submits that Dworkin, SFA, Joseph and Bennett are deficient with respect to independent claim 1 for the reasons discussed above, and the combination therefore does not meet the limitations of these claims as well. Further, claims 6 and 7 require “logic rules,” “resource rules,” and/or “cross-reference rules.” First, it is noted that the Examiner previously referred to the alleged disclosure of Bennett regarding logic rules in the independent claim. However, for these dependent claims, the Examiner now referred to SFA instead, without any explanation whatsoever. Furthermore, SFA on page 3, lines 7-17 which the Examiner referenced, and even throughout the entire article, does not disclose or even mention anything remotely similar to “logic rules,” “resource rules,” and/or “cross-reference rules.” Therefore, this rejection is clearly improper.

Regarding independent claims 11 and 18, and their dependent claims 12-17 and 19-23, the Office Action applies Dworkin, SFA, Joseph and Bennett to reject these claims in a similar manner as for independent claim 1 and its dependent claims 2-7. Therefore, the arguments regarding the deficiencies of the rejection of those claims apply equally here. Further deficiencies of the rejection of claims 11-23 are as follows.

Regarding independent claim 11, the Office Action asserts that the limitation “presenting a customer by use of the computer system with a desired option selections available for inclusion within one or more of the selling entity configurable



products” is met at column 4, lines 35-44 and column 6, lines 44-64 of Dworkin. However, as pointed out above, Dworkin’s method is only concerned with non-configurable products, i.e., products that are completely already-made without possible modifications.

Regarding dependent claim 12, the Office Action asserts that the limitation “the value input associated with the desired option selections corresponds to a numeric value indicating importance of the associated desired option selection” is met at column 11, lines 1-48 of Bennett. However, this limitation is not found at column 11, lines 1-48 of Bennett.

Regarding dependent claim 13, as pointed out above, SFA does not disclose or mention anything remotely similar to “value input” and “relative value indicating importance.”

Regarding dependent claim 15, the Office Action asserts that the limitation “further comprising a step of identifying from the inventory of the selling entity one or more available products that exactly corresponds to the configured product” is met at column 2, lines 24-40 of Joseph. However, as pointed out above, Joseph’s method is only concerned with alternatives that do not exactly correspond to a customer’s desired product.

Regarding dependent claim 17, “constraining the selection of available product options” is recited as a limitation within the claim. However, as pointed out above,

Dworkin does not disclose or even mention this limitation since Dworkin does not even relate to product options, but only presents detailed specification of products that a customer selects and only provides guidance for selecting the customer's product from a vendor that has the best price.

Regarding independent claim 18, "a configuration engine, operatively coupled to the memory arrangement and user interface that (i) receives a value input associated with each desired option selection to rank the importance of each of the desired option selection" is recited as a limitation within the claim. Firstly, it is noted that Dworkin is cited for disclosing part of this limitation and SFA is cited for disclosing another part of this limitation. However, the Examiner did not even explain why and how SFA is combined with Dworkin for this limitation. Without absolutely any guidance, it is believed that what are allegedly disclosed by SFA and Dworkin, are not even combinable in order to meet this claimed limitation. Secondly, Dworkin does not disclose or even mention anything remotely similar to a "configuration engine." As pointed out above, Dworkin's method is only concerned with non-configurable products, i.e., products that are completely already-made without possible modifications.

Also regarding independent claim 18, it is noted that the paragraph bridging pages 11 and 12 of the Office Action reiterates what Dworkin, SFA and Joseph are missing with respect to the claimed limitations, but does not provide any proper

reasoning to combine references in a proper obviousness rejection under the 35 USC §103 standard. Nevertheless, the deficiencies of Bennett, and also the deficiencies of combining the four cited references together with respect to independent claim 1 also apply here.

Regarding claim 19, Applicant submits that neither the specific passage cited by the Examiner, nor anywhere in the reference, does Bennett disclose or even mention the limitations “numeric value indicating importance of the associated desired option selection” and “relative value indicating importance of the associated desired option selection as compared to another desired option selections.”

Regarding claim 20, Applicant submits that neither the specific passage cited by the Examiner, nor anywhere in the reference, does Bennett disclose or even mention the claimed limitations. The Examiner referred to page 29 of Bennett but Bennett does not contain page 29. Therefore, it is unclear how the Examiner can allege that Bennett discloses the claimed limitations.

Regarding claim 21, Applicant submits that the specific passage cited by the Examiner, column 14, lines 58-68, does not even mention a user interface, which is recited in the claim and is required for the claimed limitation.

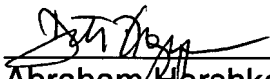
Regarding claim 23, Applicant submits that neither the specific passage cited by the Examiner, nor anywhere in the reference, does Joseph disclose or even mention a configuration engine, as discussed above.

CONCLUSION

Reconsideration and withdrawal of the rejections of claims 1, 3, 5, 7, 11 and 13-23 are respectfully requested. As noted in the Interview Summary, the above discussions and arguments were presented to the Examiner in the personal interview on May 2, 2007, which the Examiner found to be persuasive and agreed to withdraw the rejections.

In view of the above remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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